

CUSTOMER FEEDBACK GUIDE



We're
listening



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Introduction

The Council aims to provide excellent services to customers and deliver those services right first time.

Occasionally things do go wrong and so we welcome and recognise the importance of customer feedback.

The Council will ensure officers take ownership of complaints and respond positively to our customers' needs and expectations. We will work with you to resolve issues. This is an integral part of the service we provide.

The Council will respond to complaints promptly and efficiently, resolving complaints quickly wherever possible. We will use the information received from complaints to drive improvements.

For the purpose of this document, the term complainant refers to any person making a complaint, for example, a resident or a service user.

What is a complaint?

The Council has adopted the following definition from the Local Government, and Social Care and Housing Ombudsman.

“A complaint or concern is an expression of dissatisfaction about an act, omission or decision of the Council (whether that is provided directly by the Council or by a contractor or partner) either verbal or in writing, and whether justified or not, which requires a response”

A person receiving a service from the Council can make a complaint if they feel that there has been a failure in the service they have received.

A request for a service, a comment or a suggestion are all distinct from a complaint. The Council will deal with notifications of a single service failure as a service request, for example, a report of a missed refuse collection. We will ensure that there is a mechanism in place to monitor any repetition of failures and take appropriate action to remedy this.

Complaints about Council services will be processed in accordance with the requirements of the General Data Protection Regulations, the Data Protection Act and associated Council policies.

Initial Stage

The Council takes complaints seriously and places a strong emphasis on contacting the customer at the early stage of receiving a complaint. At this stage, whenever possible, we will contact you by telephone or email and talk to you about the issue you have complained about. We will look to resolve the matter for you quickly and without the need for escalation to the formal complaints process.

Matters that are reported to the Council to take action, for example reporting fly tipping, a street light not working etc. will not be considered as a complaint unless these issues have been reported previously with no resolution. The Council will aim to deal with such issues informally.

When a matter remains unresolved or complex and needs further investigation, we will register the matter as a formal complaint. Your complaint will be passed to the relevant department to consider and a formal response will be sent.

Who can make a complaint?

A complaint may be made by:

- a person who is affected by our services
- an individual or organisation acting on behalf of someone (written consent is required)
- an organisation that has been impacted by our services

Timescales for making a complaint

Complaints must be made no later than twelve months after the date on which the matter occurred.

If there are good reasons for not having made the complaint within the above time frame and, if it is still possible for the Council to investigate

the complaint effectively and fairly, we may decide to still consider the complaint.

How to make a complaint

If you wish to talk about an issue you are experiencing, please first speak to an officer in the department that you have an issue with. We will try and resolve matters promptly and prevent them from escalating. You can do this by telephoning the Council's contact centre. Please see the link below for contact details of our service areas:

[Sandwell Council Contact Us](#)

However, if you wish to make a complaint, the quickest and easiest way to do this is by completing the online complaints form at My Sandwell click on the link below to log on to your account or to set up an account with us:

[My Sandwell](#)

You can also make a comment, complaint, suggestion or compliment in writing to:

Customer Feedback Team
Sandwell Council
Roway Lane
Oldbury
B69 3ES

Accessibility

In the event you wish to make a complaint it is useful to put the details of your complaint in writing. If this is something you do not feel comfortable doing or have difficulty in doing you can:

- appoint an advocate to act on your behalf
- ask your local Councillor to act on your behalf
- ask a friend, carer or family member to help you
- ask an organisation like Citizens Advice Bureau to help you.

The Council does not require consent of an individual to disclose their personal information to a Councillor. It is considered that the individual

has provided implied consent to the processing of their personal data that is reasonably necessary to pursue the complaint. We will require written consent from any other 3rd party to act on behalf of an individual.

How the Council will deal with your complaint - Formal Stage

The Corporate Complaints process consists of 2 stages with the exception of Children's, Adult and Public Health Complaints:

Stage One

At Stage One the investigation involves the complaint being considered by an experienced officer from the department the complaint is regarding. In cases where the complaint concerns more than one Council service, the Council will ensure that the response is coordinated, and a collective response will be given to all issues raised.

The Council will acknowledge receipt of a complaint within 3 working days. The acknowledgement will provide the contact details of the officer investigating the complaint and the time frame for a response.

We will respond to a Stage One complaint within 10 working days. We aim to resolve most complaints during this stage. We will agree an extension to this timescale with the complainant if required.

Stage 2

If the complainant is dissatisfied with the outcome of the Stage One response, they can request to escalate their complaint to Stage Two which is the final stage of the complaints process. The complainant must specify the reasons for wanting to proceed to Stage Two. Simply stating that they are unhappy with the response received or just exercising the right to escalate to the next stage are not justified reasons to initiate a Stage Two investigation.

A Stage Two request should be made within 28 working days of the date of the Stage One response. The complainant is required to explain why they remain dissatisfied and, where appropriate, provide clear reasons for escalation. The Council will then determine whether the complaint

can be considered at Stage Two. The decision to accept a complaint as qualifying as a Stage Two complaint will be made promptly and should take no more than 3 working days. If we cannot accept your complaint we will inform you and tell you why.

Following the acceptance of a Stage Two complaint, an investigating officer will be appointed. The investigating officer will not have had any previous involvement with the case.

The investigating officer will review the entire case, such as the original complaint, any background information relating to the complaint matter, the response provided at Stage One and any other information which has relevance to the complaint.

The timeframe to respond to a Stage Two complaint is 20 working days from the date of receipt, with the exception of Children Trust & Adult Services and Housing. We will agree an extension to this timescale with the complainant if required.

Local Government and Social Care Ombudsman and the Housing Ombudsman Service

If the complainant remains dissatisfied with the response following the Stage Two response, they can escalate their complaint to the Local Government and Social Care Ombudsman Service or the Housing Ombudsman Service. These free to use services are external to Sandwell MBC. Contact details for the appropriate body will be provided in the Council's Stage Two response.

The Ombudsman's service is the final stage for complaints about the Council, their investigations are independent to the Council. The Ombudsman service will assess the complaint and advise the Council if they decide to initiate an investigation.

The Ombudsman will normally only consider complaints once complainants have exhausted the Council's complaints process.

If you require further information, please click the following links:

[Local Government Ombudsman](#)

[The Housing Ombudsman](#)

Complaints that cannot be considered under this policy

There are certain types of issues and complaints that fall outside this policy. This list is a general guide but not exhaustive and includes matters such as:

- a request for a service (e.g. a report of a single service failure); or issues that can be resolved informally.
- objections about a provision for which there is an alternative process, e.g. appeals, reviews or tribunal processes
- a complaint where the complainant or Council has started legal proceedings in respect of the matter being complained about
- a complaint that has already been decided by a court or independent tribunal,
- a Statutory complaint about Adult Social Services, Public Health or Children's Services
- allegations of fraud or corruption (which would be more appropriate to be dealt with by the Council's Anti-Fraud or Whistle Blowing procedure)
- a complaint about a Councillor. The Council's Monitoring Officer, will consider these complaints.
- a complaint about a personnel matter, including appointments, terms and conditions of employment (or disciplinary issues)
- a complaint about a Council policy e.g. The Council's implementation of a Government policy
- Insurance claims
- a complaint which the complainant has known about for more than twelve months before registering it
- a complaint that has been previously investigated, responded to and concluded

When the Council cannot consider a complaint under this policy, you will be advised and provided with any alternative options that may be available.

Complaints and Enquiries from an MP or Councillor

The complaints policy is intended for individual citizens to seek resolution to an issue. A Member of Parliament (MP) or Councillor can make a formal complaint or an enquiry on behalf of a constituent.

The Council distinguishes between an enquiry and a complaint made on behalf of a constituent. Complaints made via an MP or Councillor will not be processed through the Complaints process.

Enquiries from a MP or Councillor will be handled outside the Complaints process.

If you wish to make a complaint about your MP or Councillor concerning a breach of the Members Code of Conduct. These types of complaints are investigated by the Council's Monitoring Officer. The Monitoring Officer who will be in contact with you within 5 working days to acknowledge your complaint and advise what next steps will be.

If you require further information, please click on link below:

[How the Monitoring Officer carries out their duties](#)

Putting things right - remedies and redress

The objective of redress is to rectify any mistakes or problems at the earliest opportunity. The Council will acknowledge faults when they occur and take responsibility for putting things right and avoiding a reoccurrence.

Following an investigation into a complaint, if it is recognised that the service did not meet the required standards, the Council will:

1. apologise where appropriate
2. rectify the mistake or problem within an agreed time frame and provide you with the service you should have received
3. make a decision that should have been made earlier
4. review practice, policy or procedure as appropriate

in some cases, it may be appropriate to offer financial recompense to recognise time and trouble taken to resolve an issue, or for any distress that may have been caused due to incorrect action or failure to take

action. In such cases the Council will seek guidance from the Ombudsman's service.

Statutory Complaints - Children's Service and Adult Social Care

There is a statutory process laid down by law for handling complaints about Adult Social Care and Public Health and Children's Services. This includes any relevant service that is commissioned or provided by an external contractor on behalf of the Council.

Adult Social Care or Public Health - A statutory adult's or Public Health complaint is an expression of dissatisfaction in relation to a service provided, action taken or refusal of service by Adult Social Services, Public Health or its commissioned Providers. A complaint must qualify under the Adult's or Public Health complaints legislation such as the Care Act 2014 or any other relevant legislation.

Details on Adult Social Care Complaints procedure can be found [here](#)

[Further information on Adult Social Care can be found on the website by clicking here](#)

Children's Services - A statutory children's complaint is an expression of dissatisfaction in relation to the Council's duties under the Children Act 1989, to ensure children are safeguarded and their welfare is promoted.

[Further information on Sandwell Council's Children Trust can be found on the website by clicking here](#)

If your complaint is regarding one of these departments, you will be advised under which process your complaint will be considered.

Complaints about schools or colleges are not considered by the Council. Schools have their own complaint process. Complaints about a school or a staff member of the school should be made to the school's Headteacher and then the Chair of the school's governing body. You will be informed which procedure you need to follow when making a complaint.

Housing Services

If you wish to make a complaint or a compliment concerning housing, please click into the link below for further information

[Housing Complaint and Compliment Guide](#)

For information on our housing complaints performance please click on the link below.

[Housing Complaints Performance Data](#)

Managing unreasonable complainant behaviour

The Council want to deal with complainants in way that is open, fair and proportionate. In a minority of cases people pursue their complaints in a way that is unreasonable. Complainants may behave unacceptably or be unreasonably persistent in their contact with the Council. This is resource intensive and hinders our services to other customers. We will not tolerate abusive, offensive, threatening or other forms of unacceptable or unreasonable behaviour. The Council has a policy for managing unreasonable complainants. When we identify that a person is behaving in an unreasonable manner we will inform the complainant and may take some or all of the following steps:

- review the case and ensure that the issues in hand have been considered properly
- decide whether the policy is appropriate
- decide what restrictions will be placed on future contacts and for how long
- decide what type of contact we will continue to have with the complainant and the frequency of that contact
- decide when restrictions will be lifted or whether it should continue
- provide details of your right of review against the decision to restrict contact

Further information regarding Unreasonably Persistent behaviour can be found by clicking on the link below:

[Unreasonably Persistent behaviour procedure](#)

Confidentiality and disclosure

The Council handles complaints in accordance with the requirements of Data Protection Act 2018.

It is necessary to collect, store and use personal data to administer and investigate any complaint made to the Council. The Council will only use this information to deal with your complaint.

All complaints information will be collected and held on a system which will only be accessible by staff handling and responding to complaints.

Complainants can make a subject access request (SAR's) under the Data Protection Act for information that is held on them by the Council. The Council will follow the Information Commissioner's guidance that states material on complaint files constitutes the complainant's personal data, so any material sent to the Council is usually disclosable under the Act.

The Council will not share your information with other organisations without your consent, except for organisations that the Council are contracted with or where the Council is required to do so by law.

[If you require further information, click here](#)

How long the Council will keep your records

The Council will keep information relating to complaints for two years following closure of the complaint except Children's, Adult Service and Public Health complaints. Where legal action has been taken, information will be kept for seven years after completion of the action. Following this retention period all information will be destroyed under confidential conditions.

Whistle Blowing Policy

Sandwell Council has a whistleblowing policy and reporting form (also known as a Confidential Reporting Code) to allow people to raise serious concerns on a confidential basis.

For further information please click on the links below:

- [Whistleblowing policy](#)  (DOC)
- [Whistleblowing - reporting form](#)  (DOC)

Reasonable Adjustments Policy

The Council is committed to providing excellent customer service and delivering high quality services to our residents.

This policy sets out what a reasonable adjustment is, how to make a reasonable adjustment to us, our duties and responsibilities and what considerations we will take into account when reviewing your request.

We must take reasonable steps in the way that we work to ensure we are compliant with Equality & Diversity legislation and regulations.

This policy does not seek to explain how we will approach every situation, it is intended as a general statement of our policy and

- confirms our commitment to improving accessibility for everybody that we deal with;
- sets out some of the basic principles of our legal duty to provide reasonable adjustments; and
- sets out the factors that we will take into account in dealing with requests for reasonable adjustments

For further information please click on the link below:

[Link to Reasonable Adjustment Policy](#)